

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 9006 CULLEN LANE AND CHANGING THE
3 ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT TO
4 COMMUNITY COMMERCIAL-CONDITIONAL OVERLAY (GR-CO)
5 COMBINING DISTRICT.
6

7 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
8

9 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
10 change the base district from interim rural residence (I-RR) district to community
11 commercial-conditional overlay (GR-CO) combining district on the property described in
12 Zoning Case No. C14-06-0203, on file at the Neighborhood Planning and Zoning
13 Department, as follows:
14

15 Lot 6, Block A, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin,
16 Travis County, Texas, as described in a deed of record in Volume 683, Page 1 of
17 the Deed Records of Travis County, Texas (the "Property"),
18

19 locally known as 9006 Cullen Lane, in the City of Austin, Travis County, Texas, and
20 generally identified in the map attached as Exhibit "A".
21

22 **PART 2.** The Property within the boundaries of the conditional overlay combining district
23 established by this ordinance is subject to the following conditions:
24

- 25 A. A 50-foot wide vegetative buffer shall be provided along the west property line
26 where adjacent to or within 50 feet of a single family residential zoned property.
27 Except as provided in Section 25-1-(27)(a) and (b), the buffer zone shall remain
28 an undisturbed vegetative buffer.
29
- 30 B. A 25-foot wide vegetative buffer shall be provided and maintained along the west
31 property line where adjacent to a detention pond. Except as provided in Section
32 25-1-(27)(a) and (b), the buffer zone shall remain an undisturbed vegetative
33 buffer.
34
- 35 C. Section 25-10-124 (*Scenic Roadway Sign District Regulations*) applies to the
36 Property.
37

1 D. The maximum height of a building or structure developed on the Property is 35
2 feet from grade level.

3
4 E. If the completed development or uses of the Property, considered cumulatively
5 with all existing or previously authorized development and uses, generate traffic
6 that exceeds 3,000 trips per day, a site plan or building permit for the Property
7 may not be approved, released, or issued, until a traffic impact analysis ("TIA")
8 is submitted to and approved by the Watershed Protection and Development
9 Review Department.

10
11 F. The following uses are prohibited uses of the Property:

13 Automotive rentals	Automotive repair services
14 Automotive sales	Automotive washing (of any type)
15 Bail bond services	Bed and breakfast residential (Group 1)
16 Bed and breakfast (Group 2)	Club or lodge
17 Commercial off-street parking	Drop-off recycling collection facility
18 Exterminating services	Funeral services
19 Funeral services	Hotel-motel
20 Indoor entertainment	Indoor sports and recreation
21 Off-site accessory parking	Outdoor entertainment
22 Outdoor sports and recreation	Pawn shop services
23 Residential treatment	Restaurant (general)
24 Restaurant (limited)	Service station
25 Theater	Urban farm

26
27 Except as specifically restricted under this ordinance, the Property may be developed and
28 used in accordance with the regulations established for the community commercial (GR)
29 base district and other applicable requirements of the City Code.
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PART 3. This ordinance takes effect on _____, 2007.

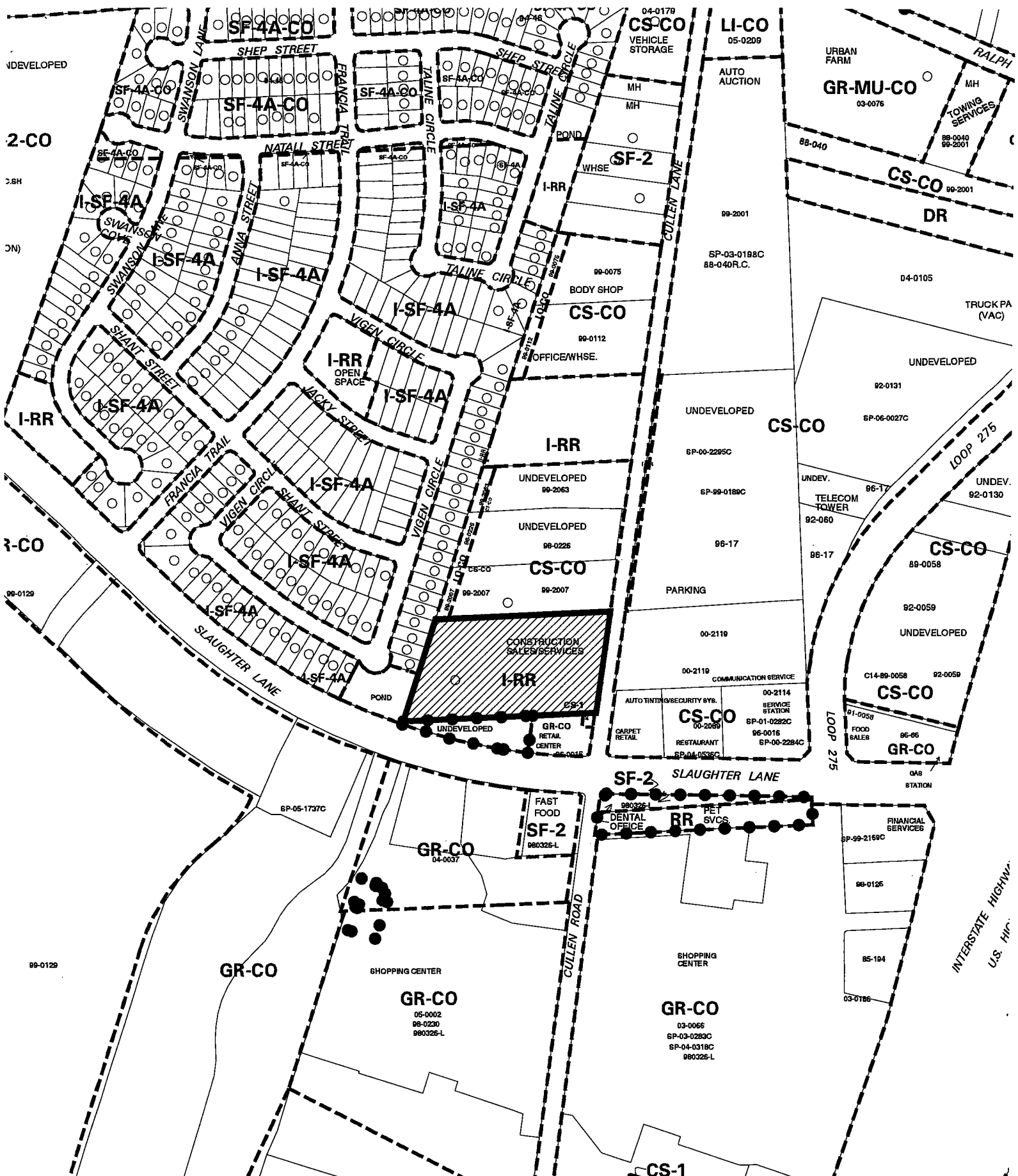
PASSED AND APPROVED

_____, 2007

§
§
§

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Gentry
City Attorney City Clerk



 1" = 400'	SUBJECT TRACT 	ZONING EXHIBIT A		CITY GRID REFERENCE NUMBER F13
	PENDING CASE 			
	ZONING BOUNDARY 	CASE #: C14-06-0203 ADDRESS: 9006 CULLEN LN SUBJECT AREA (acres): 4.800	DATE: 06-11 INTLS: SM	
	CASE MGR: W.WALSH			

RESTRICTIVE COVENANT

OWNER: Weldon J. Schmidt

ADDRESS: 9006 Cullen Lane, Austin, Texas 78748

OWNER: A. King Enterprises Management, Ltd., a Texas limited partnership

ADDRESS: 9605 Orchid Hill, Dallas, Texas 75243

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: Lot 6, Block A, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 683, Page 1 of the Deed Records of Travis County, Texas; and

Lot 2, Block A, Tom F. Dunnahoo Subdivision, replat of a portion of Lot 8, Tom F. Dunnahoo Subdivision, a subdivision in the City of Austin, Travis County, Texas, as described in a deed of record in Volume 96, Pages 11 and 12 of the Deed Records of Travis County, Texas.

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owners of the Property, its successors and assigns.

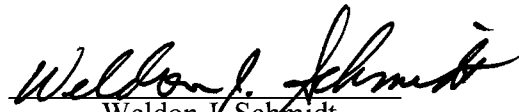
1. Hours of construction are limited to 7:00 a.m. to 7:00 p.m.
2. A building for a single tenant shall not exceed 25,000 square feet.
3. A 24-hour business shall not operate within 200 feet of a single family residential property line.
4. Outdoor containers used for storage or display of merchandise are prohibited.
5. Dumpster placement shall be the more restrictive of: i) a minimum of 150 feet from the west property line, or, ii) that required under the Commercial Design Standards in Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) of the City Code.

6. Loading dock placement shall be the more restrictive of: i) a minimum of 100 feet from the west property line, or, ii) that required under the Commercial Design Standards in Chapter 25-2, Subchapter E (*Design Standards and Mixed Use*) of the City Code.
7. A loading dock located within 100 to 200 feet of the west property line may not be located on the west wall of a building.
8. Delivery hours are limited to 7:00 a.m. to 10:30 p.m.
9. The noise level of mechanical equipment including outdoor speakers may not exceed 70 decibels at the west property line. Any outdoor speakers shall either be oriented away from the single-family residential neighborhood to the west, or be screened by a device, wall, fence, structure, or other screening device..
10. Outdoor lighting shall be limited to 20 feet in height and all fixtures shall be fully shielded with full cut-off light fixtures.
11. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, an Integrated Pest Management (IPM) plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. The IPM plan shall comply with the guidelines in Section 1.6.9.2 (D) and (F) of the Environmental Criteria Manual that are in effect on the date of this covenant.
12. At the time an application for approval of a site plan is submitted for development of the Property, or any portion of the Property, a landscape plan shall be submitted to the Watershed Protection and Development Review Department for review and approval. Ninety percent of the total plant material used, exclusive of turf, shall be native to Central Texas or on the Grow Green Native and Adapted Landscape Plants list, attached as Exhibit "A". Plants on the Invasive Species/Problem Plants list, attached as Exhibit "B", may not be included.
13. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
14. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
15. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.

16. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2007.

OWNER:


Weldon J. Schmidt

OWNER:

**A. King Enterprises Management, Ltd.,
a Texas limited partnership**

By: A. King Enterprises, Inc.,
a Texas corporation,
General Partner

By: _____
Alma King,
President

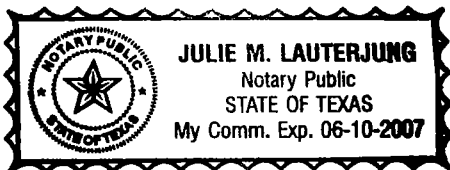
APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the 25TH day of April, 2007, by Weldon J. Schmidt.



Julie M. Lauterjung
Notary Public, State of Texas

THE STATE OF TEXAS §

COUNTY OF _____ §

This instrument was acknowledged before me on this the _____ day of _____, 2007, by Alma King, President of A. King Enterprises, Inc., a Texas corporation, General Partner of A. King Enterprises Management, Ltd., a Texas limited partnership, on behalf of the corporation and the limited partnership.

Notary Public, State of Texas

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Paralegal

EXHIBIT A

Grow Green Native and Adapted Landscape Plants

Trees

Ash, Texas <i>Fraxinus texensis</i>	Oak, Escarpment Live <i>Quercus fusiformis</i>
Arizona Cypress <i>Cupressus arizonica</i>	Oak, Lacey <i>Quercus glaucoides</i>
Big Tooth Maple <i>Acer grandidentatum</i>	Oak, Monterey (Mexican White) <i>Quercus polymorpha</i>
Cypress, Bald <i>Taxodium distichum</i>	Oak, Shumard <i>Quercus shumardii</i>
Cypress, Montezuma <i>Taxodium mucronatum</i>	Oak, Texas Red <i>Quercus texana</i> (<i>Quercus buckleyi</i>)
Elm, Cedar <i>Ulmus crassifolia</i>	Pecan <i>Carya illinoensis</i>
Elm, Lacebark <i>Ulmus parvifolia</i>	Soapberry <i>Sapindus drummondii</i>
Honey Mesquite <i>Prosopis glandulosa</i>	
Oak, Bur <i>Quercus macrocarpa</i>	
Oak, Chinquapin <i>Quercus muhlenbergii</i>	
Oak, Southern Live <i>Quercus virginiana</i>	

Small Trees/Large Shrubs

Anacacho Orchid Tree <i>Bauhinia congesta</i>	Persimmon, Texas <i>Diospyros texana</i>
Buckeye, Mexican <i>Ungnadia speciosa</i>	Pistachio, Texas <i>Pistacia texana</i>
Buckeye, Rec <i>Aesculus pavia</i>	Plum, Mexican <i>Prunus mexicana</i>
Carolina Buckthorn <i>Rhamnus caroliniana</i>	Pomegranate <i>Punica granatum</i>
Cherry Laurel <i>Prunus caroliniana</i>	Redbud, Mexican <i>Cercis canadensis</i> 'mexicana'
Crape Myrtle <i>Lagerstroemia indica</i>	Redbud, Texas <i>Cercis canadensis</i> var. 'texensis'
Desert Willow <i>Chilopsis linearis</i>	Retama Jerusalem Thorn <i>Parkinsonia aculeata</i>
Dogwood, Roughleaf <i>Cornus drummondii</i>	Senna, Flowering <i>Cassia corymbosa</i>
Escarpment Black Cherry <i>Prunus serotina</i> var. <i>eximia</i>	Smoke Tree, American <i>Cotinus obovatus</i>
Eve's Necklace <i>Sophora affinis</i>	Sumac, Flameleaf <i>Rhus lanceolata</i>
Goldenball Leadtree <i>Leucaena retusa</i>	Viburnum, Rusty Blackhaw <i>Viburnum rufidulum</i>
Holly, Possumhaw <i>Ilex decidua</i>	Viburnum, Sandankwa <i>Viburnum suspensum</i>
Holly, Yaupon <i>Ilex vomitoria</i>	
Mountain Laurel, Texas <i>Sophora secundiflora</i>	

Shrubs

Abelia, Glossy <i>Abelia grandiflora</i>	Nandina <i>Nandina domestica</i> 'Compacta nana' 'Gulf Stream'
Agarita <i>Berberis trifoliata</i>	Oleander <i>Nerium oleander</i>
Agave (Century Plant) <i>Agave sp.</i>	Palmetto <i>Sabal minor</i>
American Beautyberry <i>Callicarpa americana</i>	Prickly Pear <i>Opuntia engelmannii</i> var. <i>lindheimeri</i>
Artemisia <i>Artemisia</i> 'Powis Castle'	Rose, Belinda's Dream <i>Rosa</i> 'Belinda's Dream'
Barbados Cherry <i>Malpighia glabra</i>	Rose, Lamarne <i>Rosa</i> 'Lamarne'
Barberry, Japanese <i>Berberis thunbergii</i> 'Atropurpurea'	Rose, Livin' Easy <i>Rosa</i> 'Livin' Easy'
Basket Grass (Sacahuista) <i>Nolina texana</i>	Rose, Marie Pavie <i>Rosa</i> 'Marie Pavie'
Black Dalea <i>Dalea frutescens</i>	Rose, Martha Gonzales <i>Rosa</i> 'Martha Gonzales'
Bush Germander <i>Teucrium fruticans</i>	Rose, Mutabilis <i>Rosa</i> 'Mutabilis'
Butterfly Bush <i>Buddleia davidii</i>	Rose, Nearly Wild <i>Rosa</i> 'Nearly Wild'
Butterfly Bush, Woolly <i>Buddleia marrubiiifolia</i>	Rose, Old Blush <i>Rosa</i> 'Old Blush'
Coralberry <i>Symphoricarpos orbiculatus</i>	Rose, Perle d'or <i>Rosa</i> 'Perle d'or'
Cotoneaster <i>Cotoneaster sp.</i>	Rock Rose <i>Pavonia lasiopetala</i>
Eleagnus <i>Eleagnus pungens</i>	Rosemary <i>Rosmarinus officinalis</i>
Esperanza/Yellow Bells <i>Tecoma stans</i>	Sage, Mountain <i>Salvia regia</i>
Flame Acanthus <i>Anisacanthus quadrifidus</i> var. <i>wrightii</i>	Sage, Texas (Cenizo) <i>Leucophyllum frutescens</i>
Fragrant Mimosa <i>Mimosa borealis</i>	Senna, Lindheimer <i>Cassia lindheimeriana</i>
Holly, Burford <i>Ilex cornuta</i> 'Burfordii'	Southern Wax Myrtle <i>Myrica cerifera</i>
Holly, Dwarf Chinese <i>Ilex cornuta</i> 'Rotunda nana'	Sumac, Evergreen <i>Rhus virens</i>
Holly, Dwarf Yaupon <i>Ilex vomitoria</i> 'Nana'	Sumac, Fragrant (Aromatic) <i>Rhus aromatica</i>
Jasmine, Primrose <i>Jasminum mesnyi</i>	Texas Sotol <i>Dasyllirion texanum</i>
Kidneywood <i>Eysenhardtia texana</i>	Turk's Cap <i>Malvaviscus arboreus</i>
Lantana, Native <i>Lantana horrida</i>	Yucca, Paleleaf <i>Yucca pallida</i>
Mistflower, Blue (Blue Boneset) <i>Eupatorium coelestinum</i>	Yucca, Red <i>Hesperaloe parviflora</i>
Mistflower, White (Shrubby White Boneset) <i>Ageratina havanense</i>	Yucca, softleaf <i>Yucca recurvifolia</i>
Mock Orange <i>Philadelphus coronarius</i>	Yucca, Twistleaf <i>Yucca rupicola</i>

Perennials

Black-eyed Susan <i>Rudbeckia hirta</i>	Lantana, Trailing <i>Lantana montevidensis</i>
Bulbine <i>B. frutescens</i> or <i>caulescens</i>	Marigold, Mexican Mint <i>Tagetes lucida</i>
Bush Morning Glory <i>Ipomoea fistulosa</i>	Obedient Plant, Fall <i>Physostegia virginiana</i>
Butterfly Weed <i>Asclepias tuberosa</i>	Oregano, Mexican <i>Poliomintha longiflora</i>
Butterfly Weed 'Mexican' <i>Asclepias curassivica</i>	Penstemon <i>Penstemon</i> sp.
Cast Iron Plant <i>Aspidistra elatior</i>	Phlox, Fragrant <i>Phlox pilosa</i>
Chile Pequin <i>Capsicum annuum</i>	Pink Skullcap <i>Scutellaria suffrutescens</i>
Cigar Plant <i>Cuphea micropetala</i>	Plumbago <i>Plumbago auriculata</i>
Columbine, Red <i>Aquilegia canadensis</i>	Poinciana, Red Bird of Paradise, Pride of Barbados
Columbine, Yellow <i>Aquilegia chrysantha</i> 'Texas Gold'	<i>Caesalpinia pulcherrima</i>
Coreopsis <i>Coreopsis lanceolata</i>	Primrose, Missouri <i>Oenothera macrocarpa</i>
Daisy, Blackfoot <i>Melampodium leucanthum</i>	Purple Coneflower <i>Echinacea purpurea</i>
Daisy, Copper Canyon <i>Tagetes lemmonii</i>	Ruellia <i>Ruellia brittoniana</i>
Damiantia <i>Crysactina mexicana</i>	Sage, Cedar <i>Salvia roemeriana</i>
Fall Aster <i>Aster oblongifolius</i>	Sage, Jerusalem <i>Phlomis fruticosa</i>
Fern, River <i>Thelypteris kunthii</i>	Sage, Majestic <i>Salvia guaranitica</i>
Firebush <i>Hamelia patens</i>	Sage, Mealy Blue <i>Salvia farinacea</i>
Gaura <i>Gaura lindeheimeri</i>	Sage, Mexican Bush <i>Salvia leucantha</i>
Gayfeather <i>Liatris mucronata</i>	Sage, Penstemon, Big Red Sage <i>Salvia penstemonoides</i>
Gregg Dalea <i>Dalea greggii</i>	Sage, Russian <i>Perovaskia atricplifolia</i>
Hibiscus, Perennial <i>Hibiscus moscheutos</i> , <i>Hibiscus coccineus</i>	Sage, Scarlet or 'Tropical' <i>Salvia coccinea</i>
Honeysuckle, Mexican <i>Justicia spicigera</i>	Salvia, Gregg (Cherry Sage) <i>Salvia greggii</i>
Hymenoxys (Four Nerve Daisy) <i>Tetranneuris scaposa</i>	Shrimp Plant <i>Justicia brandegeana</i>
Indigo Spires <i>Salvia</i> 'Indigo Spires'	Texas Betony <i>Stachys coccinea</i>
Iris, Bearded <i>Iris albicans</i>	Verbena, Prairie <i>Verbena bipinnatifida</i>
Iris, Butterfly/Bicolor (African) <i>Dietes</i> sp.	Yarrow <i>Achillea millefolium</i>
Lamb's Ear <i>Stachys byzantina</i>	Zexmenia <i>Wedelia texana</i>
Lantana <i>Lantana x hybrida</i> (many varieties)	

Ornamental Grasses

Bluestem, Big *Andropogon gerardii*
 Bluestem, Bushy *Andropogon*
glomeratus
 Bluestem, Little *Schizachyrium*
scoparium
 Fountain Grass, Dwarf *Pennisetum*
alopecuroides
 Indian Grass *Sorghasturm nutans*
 Inland Sea Oats *Chasmanthium*
latifolium

Mexican Feathergrass (Wiregrass) *Stipa*
tenuissima
 Muhly, Bamboo *Muhlenbergia dumosa*
 Muhly, Big *Muhlenbergia lindheimeri*
 Muhly, Deer *Muhlenbergia rigens*
 Muhly, Gulf *Muhlenbergia capillaris*
 Muhly, Seep *Muhlenbergia reverchonii*
 Sideoats Grama *Bouteloua curtipendula*
 Wild Rye *Elymus canadensis*

Vines

Asian Jasmine *Trachelospermum*
asiaticum
 Carolina Jessamine *Gelsemium*
sempervirens
 Coral Vine *Antigonon leptopus*
 Crossvine *Bignonia capreolata*
 Fig Vine *Ficus pumila*

Honeysuckle, Coral *Lonicera*
sempervirens
 Lady Banksia Rose *Rosa banksiae*
 Passion Vine *Passiflora incarnata*
 Trumpet Vine *Campsis radicans*
 Virginia Creeper *Parthenocissus*
quinquefolia

Groundcover

Aztec Grass *Ophiopogon japonicus*
 Frogfruit *Phyla incisa*
 Horseherb *Calypocarpus vialis*
 Leadwort Plumbago *Ceratostigma*
plumbaginoides
 Liriope *Liriope muscari*
 Monkey Grass (Mondo Grass)
Ophiopogon japonicus
 Oregano *Origanum vulgare*
 Periwinkle, Littleleaf *Vinca minor*
 Pigeonberry *Rivina humilis*

Purple Heart *Secreasea pallida*
 Santolina (Lavender Cotton) *Santolina*
chamaecyparissus
 Sedge, Berkeley *Carex tumulicola*
 Sedge, Meadow *Carex perdentata*
 Sedge, Texas *Carex texensis*
 Sedum (Stonedrop) *Sedum nuttallianum*
 Silver Ponyfoot *Dichondra argentea*
 Wooly Stemodia *Stemodia lanata*
(Stemodia tomentosa)

Turf Grasses

Bermuda 'Tif 419', 'Sahara', 'Baby',
 'Common'
 Buffalo '609', 'Stampede', 'Prairie'
 St. Augustine 'Baby', 'Common',
 'Raleigh', 'Delmar'

Zoysia, Fine Leaf 'Matrella', 'Emerald',
 'Zorro'
 Zoysia, Coarse Leaf 'Japonica', 'Jamur',
 'El Toro', 'Palis'

EXHIBIT B

Invasive Species/Problem Plants

PLANTS TO AVOID

INVASIVES

(Plants that are non-native to the Central Texas ecosystem and tend to out-compete native species)

Do Not Plant

(Travel by seeds, berries, and spores so can be transported long distances. They have already invaded preserves and greenbelts):

- Arizona Ash
- Chinaberry
- Chinese Pistache
- Chinese Tallow
- Chinese Privet
- Elephant Ear
- Holly Fern
- Japanese Honeysuckle
- Ligustrum, Wax Leaf
- Mimosa
- Mulberry, Paper
- Nandina (large, berrying varieties)
- Photinia, Chinese
- Pyracantha
- Tamarisk
- Tree of Heaven

Do Not Plant Near

Parks/Preserves/Greenbelts

(travel by runners, rhizomes, and stems so only invade neighboring areas):

- Bamboo
- English Ivy
- Vinca (Periwinkle)

PROBLEM TREES AND SHRUBS

(Typically fast-growing, highly adaptable, but often have weak wood and are short-lived. Most are susceptible to insect and disease problems.)

- Arizona Ash
- Azalea (not adapted to Austin soils)
- Boxelder
- Camellia
- Chinaberry
- Chinese Privet
- Chinese Tallow
- Cottonwood
- Ligustrum
- Lombardy Poplar
- Mimosa
- Mulberry, Paper
- Photinia, Chinese
- Siberian Elm
- Silver Maple
- Sweetgum
- Sycamore
- Tree of Heaven

STREET DEED

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

KNOW ALL MEN BY THESE PRESENTS

§

That Weldon J. Schmidt, hereinafter referred to as Grantors, whether one or more, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, to Grantors in hand paid by the City of Austin, Texas, P.O. Box 1088, Austin, Texas 78767-8828, the receipt and sufficiency of which is hereby acknowledged and confessed, and for which no lien, expressed or implied, is retained, have this day Granted, Sold and Conveyed, and by these presents do hereby Grant, Sell and Convey, unto the said City of Austin, a municipal corporation situated in Travis County, Texas, for street purposes, the following described property:

A 3,519 square foot tract of land, more or less, out of Lot 6, Block A, Tom F. Dunnahoo Subdivision, in the City of Austin, Travis County, the tract of land being more particularly described by metes and bounds in Exhibit A, incorporated into this deed.

TO HAVE AND TO HOLD the above-described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said City of Austin, its successors and assigns forever; and Grantors, whether one or more, do hereby bind themselves, their executors, administrators, successors and assigns, to warrant and defend the property against every person whomsoever lawfully claiming or to claim the same or any part hereof.

IN WITNESS WHEREOF, Grantors have caused this instrument to be executed on the 25TH day of APRIL, 2007.

GRANTORS:

By:

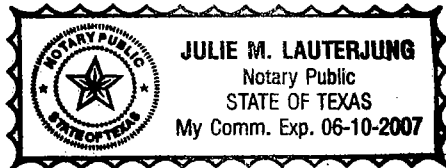
Weldon J. Schmidt
Weldon J. Schmidt

THE STATE OF TEXAS

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§
§

COUNTY OF TRAVIS

This instrument was acknowledged before me on this the 25th day of APRIL,
2007, by Weldon J. Schmidt.



Julie M. Lauterjung

Notary Public, State of Texas

Address of Grantors:

9006 Cullen Lane
Austin, TX 78748

AFTER RECORDING RETURN TO:

City of Austin
Law Department
P.O. Box 1088
Austin, Texas 78767-8828
Attn: Diana Minter, Paralegal

3,519 SQUARE FEET
CULLEN LANE R.O.W..
THE SAMUEL GROUP

FN NO. 07-162 (MJJ)
MARCH 26, 2007
BPI JOB NO. 1760-01

EXHIBIT A
DESCRIPTION

OF 3,519 SQUARE FEET OF LANE SITUATED IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION OF LOT 6 TOM F. DUNNAHOO SUBDIVISION, OF RECORD IN VOLUME 683, PAGE 1 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS; SAID LOT 6 HAVING BEEN CONVEYED TO WELDON J. SCHMIDT BY DEED OF RECORD IN VOLUME 12184, PAGE 170 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 3,519 SQUARE FEET BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING, at an iron pipe found in the westerly line of Cullen Lane (R.O.W. varies), being the southeasterly corner of Lot 4 of said Tom F. Dunnahoo Subdivision and the northeasterly of said Lot 6, for the northeasterly corner hereof;

THENCE, S07°39'53"W, along the westerly line of Cullen Lane, being the easterly line of said Lot 6, for the easterly line hereof, a distance of 351.84 feet to a 1/2 inch iron rod found at the southeasterly corner of said Lot 6, for the southeasterly corner hereof;

THENCE, S87°19'29"W, along a portion of the southerly line of said Lot 6, for the southerly line hereof, a distance of 10.17 feet to the northeasterly corner of Lot 1 Replat of a portion of Lot 8 Tom F. Dunnahoo Subdivision, of record in Volume 96, Page 11 of the Plat Records of Travis County, Texas, for the southwesterly corner hereof, from which a 1/2 inch iron rod found in the southerly line of said Lot 6, being the northwesterly corner of said Lot 1 bears, S87°19'29"W, a distance of 201.22 feet;

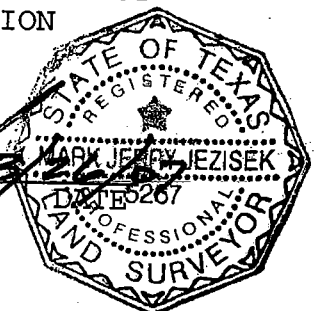
THENCE, N07°39'53"E, leaving the southerly line of said Lot 6, over and across said Lot 6, for the westerly line hereof, a distance of 351.89 feet to a point in the southerly line of said Lot 4, being the northerly line of said Lot 6, for the northwesterly corner hereof, from which a 1/2 inch iron rod found at the common westerly corner of said Lots 4 and 6 bears, S87°35'59"W, a distance of 558.94 feet;

THENCE, N87°35'59"E, along a portion of the southerly line of said Lot 4, being a portion of the northerly line of said Lot 6, for the northerly line hereof, a distance of 10.16 feet to the **POINT OF BEGINNING** containing an area of 3,519 square feet of land, more or less, within these metes and bounds.

I, MARK J. JEZISEK, A REGISTERED PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT THE PROPERTY DESCRIBED HEREIN WAS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY DIRECTION AND SUPERVISION

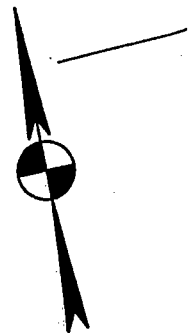
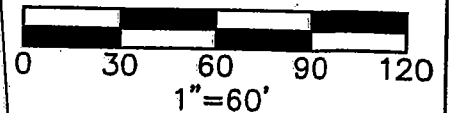
BURY & PARTNERS, INC.
ENGINEERS-SURVEYORS
3345 BEE CAVE ROAD, SUITE 200
AUSTIN, TEXAS 78746

Mark J. Jezisek
MARK J. JEZISEK
R.P.L.S. NO. 5267
STATE OF TEXAS



LEGEND

- 1/2" IRON ROD FOUND
- ⊙ IRON PIPE FOUND
- P.O.B. POINT OF BEGINNING



LOT 4
TOM F. DUNNAHOO SUBDIVISION
VOL. 683, PG. 1

COMMON WESTERLY
CORNER OF LOTS 4 & 6

S87°35'59"W 558.94'

P.O.B.

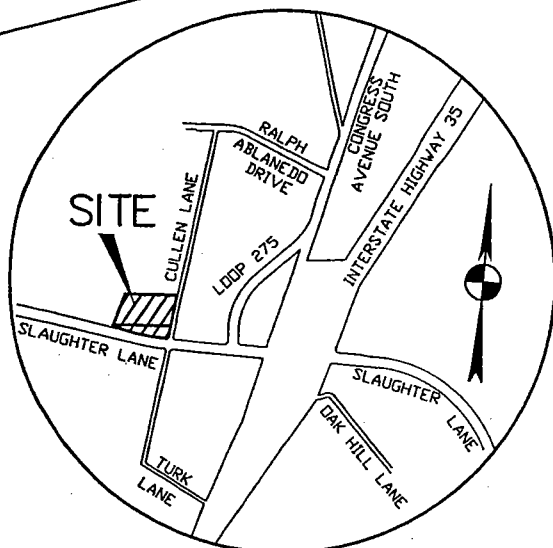
L2

L4

CULLEN LANE

(R.O.W. VARIES)

LOT 5
TOM F. DUNNAHOO
SUBDIVISION
VOL. 683, PG. 1



VICINITY MAP
N.T.S.

LOT 6,
TOM F. DUNNAHOO SUBDIVISION
VOL. 683, PG. 1

4.800 ACRES
WELDON J. SCHMIDT
VOL. 12184, PG. 170

LINE TABLE

No.	Bearing	Distance
L1	S87°19'29"W	10.17'
L2	N87°35'59"E	10.16'
L3	N88°11'59"E	49.79'
L4	N87°37'05"E	51.54'

S87°19'29"W 201.22'

LOT 1
REPLAT OF A PORTION OF LOT 8,
TOM F. DUNNAHOO SUBDIVISION
VOL. 96, PG. 11

LOT 3, BLOCK 1
SLAUGHTER LANE COMMERCIAL PARK
DOCUMENT NO. 200100326

Bury+Partners
ENGINEERING SOLUTIONS
221 W 6th Street, Suite 600
Austin, Texas 78701
Tel. (512)328-0011 Fax (512)328-0325
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SKETCH TO ACCOMPANY DESCRIPTION

OF 3,519 SQUARE FEET OF LAND SITUATED IN THE CITY
OF AUSTIN, TRAVIS COUNTY, TEXAS, BEING A PORTION
OF LOT 6 TOM F. DUNNAHOO SUBDIVISION, A
SUBDIVISION OF RECORD IN VOL. 683, PG. 1 OF THE
DEED RECORDS OF TRAVIS COUNTY, TEXAS.

**THE SAMUEL
GROUP**

DATE: 03/26/07

FILE: H:\1760\01\176001EX1.dwg

FN No.: 07-162(MJJ)

DRAWN BY: M.J.J.

PROJ. No: 1760-01